

1453  
DATA

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 5, 2008.



  
Raymond A. Joao

RJ470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMOND A. JOAO

SERIAL NO.: 10/045,080

FILED : JANUARY 15, 2002

FOR : APPARATUS AND METHOD FOR PROVIDING TRANSACTION HISTORY INFORMATION, ACCOUNT HISTORY INFORMATION, AND/OR CHARGE-BACK INFORMATION

EXAMINER : A. RUDY

GROUP : 3687

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT  
UNDER 37 C.F.R. §1.705(b)

Sir:

This is an Application For Patent Term Adjustment  
Under 37 C.F.R. §1.705(b) in the above-identified application.  
For the reasons provided herein, Applicant respectfully

09/09/2008 MBELETE2 00000012 10045000

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 200.00)

### Complete if Known

Application Number	10/045,080
Filing Date	JANUARY 15, 2002
First Named Inventor	RAYMOND A. JOAO
Examiner Name	A. RUDY
Art Unit	3687
Attorney Docket No.	RJ470

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 under 37 CFR 1.16 and 1.17

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=			

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		=

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): PETITION FEE UNDER 37 CFR 1.18(e) \$200.00

### SUBMITTED BY

Signature		Registration No. 35,907 (Attorney/Agent)	Telephone 914-969-2992
Name (Print/Type)	RAYMOND A. JOAO		Date 9/5/08

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



submits that the patent issuing from the above-identified application is entitled to a Patent Term Adjustment of 1130 days, and, therefore, Applicant respectfully requests that the Patent Term Adjustment be adjusted accordingly so that the patent issuing from the above-identified application has a Patent Term Adjustment of 1130 days.

Applicant respectfully requests that the U.S. Patent and Trademark Office ("the PTO") reconsider the Patent Term Adjustment of 304 days, provided in the Notice of Allowance, mailed July 11, 2008, a copy of page 3 of which is attached as Exhibit A, and provide Applicant with an additional 826 days of adjustment in order to provide an adjusted Patent Term Adjustment of 1130 days.

Applicant submits that the requested additional 826 days of adjustment, and the requested Patent Term Adjustment of 1130 days, are justified and are appropriate for the following reasons:

1. Applicant did not delay the processing or examination of the above-identified application for 426 days, during the period from October 14, 2006 to December 14, 2007, as determined by the PTO, and, therefore, Applicant should not be charged with a 426 day Applicant delay for that period;

2. Applicant did not delay the processing or examination of the above-identified application for 1 day,

during the period from February 28, 2006 to March 1, 2006, as determined by the PTO, and, therefore, Applicant should not be charged with the 1 day Applicant delay; and

3. The PTO delayed the processing or examination of the above-identified application for an additional period of 399 days, from the period from February 15, 2007 to March 19, 2008, and, therefore, the total PTO delay is 1130 days.

To put it simply, Applicant filed a Response To Restriction Requirement on October 14, 2006 which was timely filed and which was fully responsive to a Restriction Requirement, mailed October 12, 2006. The Restriction Requirement, mailed October 12, 2006 required that Applicant elect an invention to be examined. Thereafter, the PTO did not issue an Official Action in response to the Response To Restriction Requirement until December 6, 2007 when it erroneously issued an incorrect Notice of Informal or Non-responsive Amendment alleging that the Response To Restriction Requirement was non-responsive. In an Examiner Interview on December 13, 2007, it was agreed that the Response To Restriction Requirement was, in fact, fully responsive to the Restriction Requirement, and that the Notice of Informal or Non-responsive Amendment was incorrect and issued erroneously. Applicant responded to the Notice of Informal or Non-responsive Amendment with a Response To Office Action, filed

on December 14, 2007 and, thereafter, the PTO issued another Restriction Requirement on March 19, 2008. The Restriction Requirement, mailed March 19, 2008, required that Applicant elect a species for prosecution.

Applicant did not delay the processing or examination of the above-identified application, and Applicant did not delay the processing or examination of same during the period from October 12, 2006 to March 19, 2008. In spite of the fact that Applicant filed a timely and a fully responsive response to each respective PTO Official Action issued during the period from October 12, 2006 to March 19, 2008, Applicant was erroneously charged with a 426 day Applicant delay, when, in fact, it was the PTO which delayed processing or examination for 399 days during the period in question. Applicant submits that, since each and every response to a PTO Official Action made by Applicant was timely, proper, and fully responsive, to each respective PTO Official Action, the amount of the total PTO delay should not be reduced or offset by any Applicant delay.

**I. PAYMENT OF THE FEE AS SET FORTH IN 37 C.F.R. §1.18(e):**

Applicant submits herewith a Credit Card Payment Form for \$200.00, for payment of the required fee, as set forth in 37 C.F.R. §1.18(e), for this Application For Patent Term

Adjustment Under 37 C.F.R. §1.705(b). Applicant also submits herewith a Fee Transmittal Sheet (in duplicate) for the payment of the required fee for this Application For Patent Term Adjustment Under 37 C.F.R. §1.705(b).

**II. STATEMENT OF THE FACTS INVOLVED IN THIS CASE:**

The Notice of Allowance, mailed July 11, 2008, in the above-identified application indicated a Patent Term Adjustment of 304 days. A review of the Patent Term Adjustments information available on the USPTO PUBLIC PAIR records for the above-identified application, a copy of which is attached as Exhibit B, indicates the following identified periods of delay:

- a) A PTO delay of 731 days during the period from January 15, 2002 to March 15, 2005, for the period of PTO delay from the application filing date to the mailing date of the first Official Action;
- b) An alleged Applicant delay of 1 day during the period from February 28, 2006 to March 1, 2006; and
- c) An alleged Applicant Delay of 426 days during the period from October 14, 2006 to December 14, 2007.

As provided herein, Applicant did not delay the processing or examination of the above-identified application for 1 day during the period from February 28, 2006 to March 1,

2006, and Applicant did not delay the processing or examination in the above-identified application for 426 days during the period from October 14, 2006 to December 14, 2007. To the contrary, and for the reasons provided herein, the PTO delayed the processing or examination in the above-identified application for an additional 399 days during the period from February 15, 2007 to March 19, 2008.

**A. The Correct Patent Term Adjustment And The Basis under 37 C.F.R. 1.702(a)(2) For Same:**

Applicant respectfully submits that the correct Patent Term Adjustment for the patent which issues from the above-identified application is 1130 days, which is the sum of the 731 days of PTO delay, for the period from January 15, 2002 to March 15, 2005, and 399 days for the PTO delay during the period from February 15, 2007 to March 19, 2008. Applicant respectfully submits that the basis, under 37 C.F.R. §1.702(a)(2), for the determination of an additional PTO delay of 399 days is based on the following sequence of events which occurred during the period from October 12, 2006 to March 19, 2008:

- 1) On October 12, 2006, the PTO mailed a Restriction Requirement ("the Restriction Requirement, mailed October 12, 2006"), a copy of which is attached as Exhibit C, in the

above-identified application requiring that Applicant elect an invention to be examined and to identify the claims encompassing the elected invention.

2) On October 14, 2006, Applicant filed a Response To Restriction Requirement ("Response To Restriction Requirement, filed October 14, 2006"), a copy of which is attached as Exhibit D, in response to the Restriction Requirement, mailed October 12, 2006, wherein Applicant elected the invention of Group I for examination and wherein Applicant identified Claims 43-61 as encompassing the elected invention. Applicant's Response To Restriction Requirement, filed October 14, 2006, was timely filed and was fully responsive to said Restriction Requirement.

3) Under 37 C.F.R. 1.702(a)(2), the PTO should have responded to Applicant's Response To Restriction Requirement, filed October 14, 2006, by no later than February 14, 2007, which is four months after the filing of said Response To Restriction Requirement.

4) Thereafter, no action was taken by the PTO in the above-identified application during the period from October 14, 2006 to December 6, 2007.

5) On December 6, 2007, the PTO mailed a Notice of Informal or Non-responsive Amendment ("Notice of Informal or Non-responsive Amendment, mailed December 6, 2007"), a copy of

which is attached as Exhibit E, in response to Applicant's Response To Restriction Requirement, filed October 14, 2006. The Notice of Informal or Non-responsive Amendment, mailed December 6, 2007, provided, at page 2, that: "The claim identifiers are not accurate as to each claims status, e.g. (Previously Presented) should be listed." Applicant respectfully submits that no such claim identifiers were required as the Restriction Requirement, mailed October 12, 2006, did not require that Applicant re-present any of the pending Claims, but rather, that Applicant only elect an invention to be examined and identify the Claims encompassing the elected invention.

6) An Examiner Interview between Applicant and the Examiner was conducted on December 13, 2007 in order to discuss the Notice of Informal or Non-responsive Amendment, mailed December 6, 2007. During the Examiner Interview of December 13, 2007, Applicant and the Examiner agreed that Applicant's Response to the Restriction Requirement, filed October 14, 2006, was fully responsive to the Restriction Requirement, mailed October 12, 2006, and that no corrective action on the part of the Applicant was necessary. The Examiner also instructed Applicant to indicate such agreement in Applicant's response to the Notice of Informal or Non-responsive Amendment.

7) On December 14, 2008, Applicant filed a Response To Office Action ("Response To Office Action, filed December 14, 2008") in response to the Notice of Informal or Non-responsive Amendment, mailed December 6, 2006. A copy of Applicant's Response To Office Action, filed December 14, 2007 is attached as Exhibit F.

8) Thereafter, on March 19, 2008, the PTO mailed another Restriction Requirement ("Restriction Requirement, mailed March 19, 2008") which required that Applicant elect a species of the invention for prosecution, a copy of which is attached as Exhibit G.

9) Since Applicant's Response to the Restriction Requirement, filed October 14, 2006, was timely filed and was fully responsive to the Restriction Requirement, mailed October 12, 2006, the PTO, and not Applicant, delayed the processing or examination of the above-identified application during the period from February 15, 2007 (the day after the four month period for the PTO to have responded to the Response to Restriction Requirement, filed October 14, 2006, under 37 C.F.R. 1.702(a)(2) had expired) to March 19, 2008.

Put simply, during the period from February 15, 2007 to March 19, 2008: a) The PTO failed to respond within the requisite four month time period, under 37 C.F.R. 1.702(a)(2), to the Response To Restriction Requirement, filed October 14,

2006; b) The PTO took no action in the above-identified application from October 14, 2006 until December 6, 2007 when it erroneously issued the incorrect Notice of Informal or Non-Responsive Amendment, mailed December 6, 2007; and c) The PTO did not issue an Official Action in response to the Response To Restriction Requirement, filed October 14, 2006, until March 19, 2008 when the PTO issued another Restriction Requirement ("Restriction Requirement, mailed March 19, 2008") which required that Applicant elect a single species of the invention for prosecution.

In view of the above, Applicant was not responsible for any delay during the period from October 14, 2006 to December 14, 2007, as the Response to Restriction Requirement, filed October 14, 2006, was timely filed and was fully responsive to the Restriction Requirement, mailed October 12, 2006. All delays during the period from October 14, 2006 to March 19, 2008 were solely the result of PTO delay for the failure on the part of the PTO to properly respond to the Response To Restriction Requirement, filed October 14, 2006, in a timely and a correct manner.

10) Under 37 C.F.R. §1.702(a)(2), Applicant is entitled to an additional 399 days of a Patent Term Adjustment, for PTO delay, for the period from February 15, 2007 (which is one day after the requisite four month time

period for the PTO to have responded to the Response To Restriction Requirement, filed October 14, 2006, under 37 C.F.R. 1.702(a)(2) had expired) to March 19, 2008.

Applicant has calculated the period of the additional 399 day PTO delay as follows:

February 15-28, 2007	:	14 days
March 1-31, 2007	:	31 days
April 1-30, 2007	:	30 days
May 1-31, 2007	:	31 days
June 1-30, 2007	:	30 days
July 1-31, 2007	:	31 days
August 1-31, 2007	:	31 days
September 1-30, 2007	:	30 days
October 1-31, 2007	:	31 days
November 1-30, 2007	:	30 days
December 1-31, 2007	:	31 days
January 1-31, 2008	:	31 days
February 1-29, 2008	:	29 days
March 1-19, 2008	:	19 days
<hr/>		
PTO Delay 2/15/07-3/19/08		399 days

Applicant respectfully submits that the PTO, and not Applicant, delayed processing or examination of the above-identified application during the period from October 14, 2006 to March 19, 2008.

11) The total PTO delay of 1130 days is computed as the sum of the 731 day PTO delay, determined for the period from January 15, 2002 to March 15, 2005, and the 399 day PTO delay for the period from February 15, 2007 to March 19, 2008.

12) The total Applicant delay should be corrected in the record to be 0 (zero) days for the following reasons:

a) The 1 day delay charged to Applicant for the period from February 28, 2006 to March 1, 2006 is incorrect, and should not reduce or offset the PTO delay, because Applicant timely filed, within three months, a fully compliant Request for Continued Examination (RCE) with an accompanying Amendment And Response To Office Action, in response to the November 30, 2005 Final Rejection, by First Class Certificate of Mailing on February 27, 2006. A copy of the Request For Continued Examination (RCE) Transmittal Letter, showing the February 27, 2006 First Class Certificate of Mailing date, is attached as Exhibit H.

b) The 426 day delay charged to Applicant for the period from October 14, 2006 to December 14, 2007 is incorrect, and should not reduce or offset the PTO delay, because, as described herein, Applicant filed a timely and fully responsive Response To Restriction Requirement, filed October 14, 2006, and that the ensuing delay from October 14, 2006 to March 19, 2008 was not due to Applicant delay, but rather, was solely the result of PTO delay and PTO mistake. Accordingly, Applicant should not be charged with the 426 day Applicant delay.

**B. The Relevant Dates For Which An Adjustment Is Sought And The Adjustment To Which The Patent Is Entitled:**

The relevant dates as specified in 37 C.F.R. §1.703(a)(2) for which an adjustment is sought are for the period from February 15, 2007, which is one day after the requisite four month time period for the PTO to have responded to the Response To Restriction Requirement, filed October 14, 2006, under 37 C.F.R. 1.702(a)(2) had expired, to March 19, 2008 when the PTO mailed another Restriction Requirement, this time requiring that Applicant elect a single species for prosecution. Applicant, therefore, respectfully submits that the period of adjustment to the Patent Term is 1130 days as calculated above, and this Patent Term Adjustment should not be reduced by any Applicant delay. Therefore, the patent issuing from the above-identified application is entitled to a Patent Term Adjustment of 1130 days.

**C. The Patent Which Issues From The Above-identified Application Is Not Subject To A Terminal Disclaimer:**

Applicant respectfully submits that the patent which issues from the above-identified application is not subject to a Terminal Disclaimer, and that the patent which issues from the above-identified application is not subject to any expiration date specified in any Terminal Disclaimer.

**D. There Are No Circumstances Constituting A Failure To Engage In Reasonable Efforts To Conclude Processing Or Examination Of The Above-identified Application:**

Applicant respectfully submits that there are no circumstances constituting a failure by Applicant to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 C.F.R. §1.704. As set forth herein, Applicant did not engage in any Applicant delay.

As provided herein, the above-identified instances of Applicant delay, which appear in the Patent Term Adjustments information available on the USPTO PUBLIC PAIR records, are incorrect and unjustified, and should not be used to reduce or offset the total PTO delay of 1130 days. Therefore, Applicant respectfully submits that the patent which issues from the above-identified application is entitled to a Patent Term Adjustment of 1130 days.

**III. CONCLUSION:**

For the foregoing reasons, Applicant respectfully submits that the patent issuing from the above-identified application is entitled to a Patent Term Adjustment of 1130 days. Accordingly, it is respectfully requested that the previously determined Patent Term Adjustment be adjusted so

that the patent issuing from the above-identified application has a Patent Term Adjustment of 1130 days.

Respectfully Submitted,



Raymond A. Joao  
Reg. No. 35,907

Encls.: - Credit Card Payment Form for \$200.00, for payment of the required fee as set forth in 37 C.F.R. §1.18(e)  
- Fee Transmittal Sheet (in duplicate) for the payment of the required fee for this Application For Patent Term Adjustment Under 37 C.F.R. §1.705(b)  
- Exhibits A thru H  
- Return Receipt Postcard

September 5, 2008

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992

EXHIBIT A



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,080	01/15/2002	Raymond Anthony Joao	RJ470	2925
7590	07/11/2008		EXAMINER	
RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703		RUDY, ANDREW J		
		ART UNIT		PAPER NUMBER
		3687		
DATE MAILED: 07/11/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 304 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 304 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**EXHIBIT B**

10/045,080	APPARATUS AND METHOD FOR PROVIDING TRANSACTION HISTORY INFORMATION, ACCOUNT HISTORY INFORMATION, AND/OR CHARGE-BACK INFORMATION	09-03-2008::10:08:00
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### Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/045,080

Filing or 371(c) Date:	01-15-2002	USPTO Delay (PTO) Delay (days):	731
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	427
Post-Issue Petitions (days):	+0	Total PTA (days):	304
USPTO Adjustment(days):	+0	Explanation Of Calculations	

### Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
07-11-2008	Mail Notice of Allowance		
06-20-2008	Notice of Allowance Data Verification Completed		
05-22-2008	Miscellaneous Incoming Letter		
06-06-2008	Document Verification		
05-22-2008	Date Forwarded to Examiner		
05-19-2008	Amendment after Final Rejection		
05-20-2008	Mail Examiner Interview Summary (PTOL - 413)		
05-16-2008	Examiner Interview Summary Record (PTOL - 413)		
05-05-2008	Mail Final Rejection (PTOL - 326)		
05-01-2008	Final Rejection		
04-11-2008	Date Forwarded to Examiner		
03-26-2008	Response to Election / Restriction Filed		
03-19-2008	Mail Restriction Requirement		
03-14-2008	Requirement for Restriction / Election		
03-04-2008	Case Docketed to Examiner in GAU		
01-08-2008	Date Forwarded to Examiner		
12-14-2007	Response to Election / Restriction Filed	426	
12-06-2007	Mail Notice of Informal or Non-Responsive Amendment		↑
08-08-2007	Date Forwarded to Examiner		↑
10-14-2006	Informal or Non-Responsive Amendment after Examiner Action		↑
10-14-2006	Response to Election / Restriction Filed		↑
10-12-2006	Mail Restriction Requirement		
10-10-2006	Requirement for Restriction / Election		
07-30-2006	Miscellaneous Incoming Letter		
08-02-2006	Date Forwarded to Examiner		
07-30-2006	Response after Non-Final Action		
05-18-2006	Mail Non-Final Rejection		
05-15-2006	Non-Final Rejection		
03-04-2006	Date Forwarded to Examiner		
03-04-2006	Date Forwarded to Examiner		

03-01-2006	Request for Continued Examination (RCE)	1
03-04-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑
03-01-2006	Workflow - Request for RCE - Begin	↑
11-30-2005	Mail Final Rejection (PTOL - 326)	↑
11-28-2005	Final Rejection	
09-16-2005	Date Forwarded to Examiner	
09-13-2005	Response after Non-Final Action	
06-17-2005	Mail Non-Final Rejection	
06-13-2005	Non-Final Rejection	
04-22-2005	Date Forwarded to Examiner	
04-06-2005	Response to Election / Restriction Filed	
03-15-2005	Mail Restriction Requirement	731
03-09-2005	Requirement for Restriction / Election	↑
07-28-2004	IFW TSS Processing by Tech Center Complete	↑
07-06-2004	Case Docketed to Examiner in GAU	↑
05-03-2002	Case Docketed to Examiner in GAU	↑
03-01-2002	Application Dispatched from OIPE	↑
02-25-2002	Application Is Now Complete	↑
01-25-2002	IFW Scan & PACR Auto Security Review	↑
01-15-2002	Initial Exam Team nn	↑

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**EXHIBIT C**



# UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,080	01/15/2002	Raymond Anthony Joao	RJ470	2925
7590	10/12/2006		EXAMINER	
RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703			RUDY, ANDREW J	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/045,080	JOAO, RAYMOND ANTHONY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew Joseph Rudy	3627	

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 July 2006.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 43-62 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 43-62 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 43-61, drawn to a transaction method, classified in class 705, subclass 30.
  - II. Claim 62, drawn to a transaction method having a time limitation, classified in class 705, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and Group II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because no time parameters are required. The subcombination has separate utility such as time based accounting method.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if

any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Raymond Joao, Esq. on October 3, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not

distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that the claimed subject matter must be reflected in the drawing figures.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Joseph Rudy  
Primary Examiner  
Art Unit 3627

# **EXHIBIT D**

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OCT 14 2006

I hereby certify that this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at 571-273-8300 on October 14, 2006.

  
Raymond A. Joao

RJ470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMOND A. JOAO

SERIAL NO.: 10/045,080

FILED : JANUARY 15, 2002

FOR : APPARATUS AND METHOD FOR PROVIDING TRANSACTION HISTORY INFORMATION, ACCOUNT HISTORY INFORMATION, AND/OR CHARGE-BACK INFORMATION

EXAMINER : A. RUDY

GROUP : 3627

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a Response to the Restriction Requirement, mailed October 12, 2006, in the above-identified application.

Applicant hereby elects the invention of Group I, Claims 43-61, drawn to a transaction method, classified in

Class 705, Subclass 30. Applicant hereby identifies Claims 43-61 as being the Claims encompassing the elected invention.

Entry of this Response to Restriction Requirement, and examination of Claims 43-61 on the merits, is respectfully requested.

Respectfully Submitted,



Raymond A. Joao  
Reg. No. 35,907

October 14, 2006

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992

**EXHIBIT E**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,080	01/15/2002	Raymond Anthony Joao	RJ470	2925
7590	12/06/2007			
RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703			EXAMINER	
			RUDY, ANDREW J	
		ART UNIT	PAPER NUMBER	
		3627		
		MAIL DATE	DELIVERY MODE	
		12/06/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/045,080	JOAO, RAYMOND ANTHONY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew Joseph Rudy	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## **Disposition of Claims**

4)  Claim(s) 43-62 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) \_\_\_\_\_ is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) 43-62 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The reply filed on October 14, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claim identifiers are not accurate as to each claims status, e.g. (Previously Presented) should be listed. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



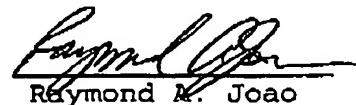
Andrew Joseph Rudy  
Primary Examiner  
Art Unit 3627

**EXHIBIT F**

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DEC 14 2007

I hereby certify that this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at 571-273-8300 on December 14, 2007.

  
Raymond A. Joao

RJ470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMOND A. JOAO

SERIAL NO.: 10/045,080

FILED : JANUARY 15, 2002

FOR : APPARATUS AND METHOD FOR PROVIDING TRANSACTION HISTORY INFORMATION, ACCOUNT HISTORY INFORMATION, AND/OR CHARGE-BACK INFORMATION

EXAMINER : A. RUDY

GROUP : 3627

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This is a Response to the Office Action, mailed December 6, 2007, wherein the Examiner asserted that the reply filed on October 14, 2006 is not fully responsive to the prior Office Action.

Applicant gratefully acknowledges the Examiner's time and courtesy extended during the telephone interview with Applicant on December 13, 2007. During the telephone interview of December 13, 2007, Applicant and the Examiner agreed that Applicant's reply to the prior Office Action, filed on October 14, 2006, is fully responsive to the prior Office Action, mailed October 12, 2006, and that no corrective action on the part of the Applicant is necessary. The Examiner also instructed Applicant to indicate such agreement in this Response to Office Action.

Applicant provides the following reasons in support of Applicant's position, that the reply filed on October 14, 2006 is fully responsive to the prior Office Action, mailed October 12, 2006. Applicant respectfully submits that the reply filed on October 14, 2006 to which the Examiner refers is Applicant's Response To Restriction Requirement, filed October 14, 2006, and that the prior Office Action to which the Examiner refers is the Office Action, mailed October 12, 2006, which contained a restriction requirement. A copy of Applicant's Response To Restriction Requirement, filed on October 14, 2006, and a copy of the Office Action, mailed October 12, 2006, are submitted herewith for the Examiner's convenience.

In Applicant's Response To Restriction Requirement, filed October 14, 2006, Applicant elected the invention of Group I, Claims 43-61, drawn to a transaction method, classified in Class 705, Subclass 30, Applicant identified Claims 43-61 as being the Claims encompassing the elected invention, and Applicant requested examination of Claims 43-61 on the merits. See Response To Restriction Requirement, October 14, 2006, pages 1-2. Applicant submits that no amendments to the Claims were made in the Response To Restriction Requirement, filed October 14, 2006.

In the Office Action, mailed December 6, 2007, the Examiner stated the following:

"The reply filed on October 14, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claim identifiers are not accurate as to each claims status, e.g. (Previously Presented) should be listed. See 37 CFR 1.111." See Office Action, mailed December 6, 2007, page 2.

Applicant respectfully submits that the above assertion by the Examiner is erroneous and should be withdrawn, as Applicant, in fully responding to the Office Action, mailed October 12, 2006, made no amendments to any of

the Claims in Applicant's Response To Restriction Requirement, filed October 14, 2006.

In Applicant's Response To Restriction Requirement, filed October 14, 2006, Applicant fully complied with the Examiner's instructions provided on page 3 of the Office Action, mailed October 12, 2006. The Examiner instructed Applicant as follows:

"Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention." See, Office Action, mailed October 12, 2006, page 3, lines 13-16.

Applicant submits that Applicant's Response To Restriction Requirement, filed October 14, 2006, contained: (i) Applicant's election of the invention of Group I, Claims 43-61, drawn to a transaction method, classified in Class 705, Subclass 30, and (ii) Applicant's identification of Claims 43-61 as being the Claims encompassing the elected invention, and, therefore, Applicant's Response To Restriction Requirement, filed October 14, 2006, is fully responsive to the Office Action, mailed October 12, 2006.

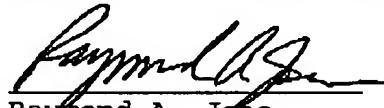
See Response To Restriction Requirement, filed October 14, 2006, pages 1-2.

In view of the foregoing, Applicant respectfully submits that Applicant's Response To Restriction Requirement, filed October 14, 2006, is fully responsive to the prior Office Action, mailed October 12, 2006, and that the Examiner's objection thereto should be withdrawn.

With regard to the Examiner's assertion, in the Office Action, mailed December 6, 2007, that: "The claim identifiers are not accurate as to each claims status . . .", Applicant respectfully submits that such assertion is erroneous since no Listing of Claims, and, therefore, no claim identifiers, are required in Applicant's Response To Restriction Requirement, filed October 14, 2006. Applicant submits that Applicant's Response To Restriction Requirement, filed October 14, 2006, does not include any amendments to any of the Claims and, therefore, does not require a Listing of Claims and the attendant claim identifiers. In view of the foregoing, Applicant respectfully requests that the Examiner's objection to Applicant's Response To Restriction Requirement, filed October 14, 2006, for an alleged lack of claim identifiers, be withdrawn.

In view of the above, Applicant respectfully submits that Applicant's reply, namely, Applicant's Response To Restriction Requirement, filed October 14, 2006, is fully responsive to the prior Office Action, mailed October 12, 2006. In view of the foregoing, Applicant respectfully requests that the Examiner's objection to Applicant's Response To Restriction Requirement, filed October 14, 2006, be withdrawn and that the Examiner examine pending Claims 43-61 on the merits.

Respectfully Submitted,

  
Raymond A. Joao  
Reg. No. 35,907

Encls.: - Copy of Response To Restriction Requirement, filed October 14, 2006  
- Copy of Office Action, mailed October 12, 2006

December 14, 2006

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992

10/14/2006 14:16 FAX 914 969 2992

RAYMOND A. JOAO

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002/003

OCT 14 2006

I hereby certify that this correspondence is being transmitted via facsimile transmission to the United States Patent and Trademark Office at 571-273-8300 on October 14, 2006.



Raymond A. Joao

RJ470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMOND A. JOAO

SERIAL NO.: 10/045.080

FILED : JANUARY 15, 2002

FOR : APPARATUS AND METHOD FOR PROVIDING TRANSACTION HISTORY INFORMATION, ACCOUNT HISTORY INFORMATION, AND/OR CHARGE-BACK INFORMATION

EXAMINER : A. RUDY

GROUP : 3627

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a Response to the Restriction Requirement, mailed October 12, 2006, in the above-identified application.

Applicant hereby elects the invention of Group I. Claims 43-61, drawn to a transaction method, classified in

12/14/2007 16:19 FAX 914 969 2992

RAYMOND A. JOAO

003/015

10/14/2006 14:18 FAX 914 969 2992

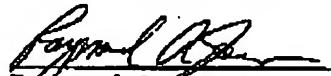
RAYMOND A. JOAO

003/003

Class 705, Subclass 30. Applicant hereby identifies Claims 43-61 as being the Claims encompassing the elected invention.

Entry of this Response to Restriction Requirement, and examination of Claims 43-61 on the merits, is respectfully requested.

Respectfully Submitted,

  
Raymond A. Joao  
Reg. No. 35,907

October 14, 2006

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992

**EXHIBIT G**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,080	01/15/2002	Raymond Anthony Joao	RJ470	2925
7590 RAYMOND A. JOAO, ESQ. 122 BELLEVUE PLACE YONKERS, NY 10703		03/19/2008	EXAMINER RUDY, ANDREW J	
			ART UNIT 3687	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/045,080	JOAO, RAYMOND ANTHONY
<b>Examiner</b>	<b>Art Unit</b>	
Andrew Joseph Rudy	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 14 December 2007.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 43-62 is/are pending in the application.  
4a) Of the above claim(s) 62 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 43-61 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Response to Amendment***

1. Claim 62 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 14, 2007.
2. Applicant's election without traverse of claims 43-61 in the reply filed on December 14, 2007 is acknowledged. Applicant's REMARKS are correct and noted.

***Election/Restrictions***

3. This application contains claims 43-61 directed to the following patentably distinct species Figures 3, 4 and 5A. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 43 is generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or

employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.**

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the

prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

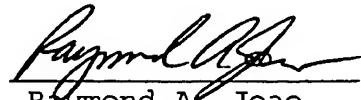
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Joseph Rudy/  
Primary Examiner, Art Unit 3687

# **EXHIBIT H**



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 27, 2006.

  
Raymond A. Joao

RJ470

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMOND A. JOAO

SERIAL NO.: 10/045,080

FILED : JANUARY 15, 2002

FOR : APPARATUS AND METHOD FOR PROVIDING TRANSACTION HISTORY INFORMATION, ACCOUNT HISTORY INFORMATION, AND/OR CHARGE-BACK INFORMATION

EXAMINER : A. RUDY

GROUP : 3627

Mail Stop RCE  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL LETTER

Sir:

Please find transmitted herewith the following for filing in the above-identified application:

1. Request For Continued Examination (RCE)

Transmittal Form;

2. Credit Card Payment Form for \$395.00 for  
payment of the required RCE filing fee;

3. Fee Transmittal Sheet (in duplicate) for  
payment of the RCE filing fee;

4. Amendment and Response to Office Action; and

5. Return Receipt Postcard.

Respectfully Submitted,



Raymond A. Joao  
Reg. No. 35,907

February 27, 2006

Raymond A. Joao, Esq.  
122 Bellevue Place  
Yonkers, New York 10703  
(914) 969-2992